

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1340 OF 2003

IN

SUIT NO. 4519 OF 1999

Ishrat Rafiq Sharif .. Plaintiff.

Vs

M/s. Everest Agencies

& Ors. .. Defendants.

Mr. J.P. Sen with Ms. Falguni Rustomji

Thakkar i/by Ginwalla for plaintiff.

Mr. M.K. Madnaney for Defendants.

CORAM : S.U.KAMDAR,

DATE : 28TH FEBRUARY, 2005.

P.C.

1. The present chamber summons is taken out for amendment of the plaint and for incorporating certain subsequent events in respect of the suit premises being Flat 103-C, 1st floor, Sukh Sagar Building, in Sukh Sagar Co-operative Housing Society, Opera House, Mumbai. The learned counsel for the defendant opposes the chamber

summons on the ground that there is a delay and substantial amendment is sought to be carried out in the plaint. In my opinion, the chamber summons is required to be granted and accordingly the chamber summons is made absolute in terms of prayer clause (a). The plaintiff to pay cost to the defendant quantified at Rs. 3000/-. The defendant will be at liberty to file additional written statement in terms of the amended plaint. Issue of limitation, if any, is kept open.